ESTTA Tracking number: **ESTTA631730**

Filing date: **10/08/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Genex A/C, Inc.		
Entity	Corporation	Citizenship	Florida
Address	3300 Port Royale Drive North, # 335 Fort Lauderdale, FL 33308 UNITED STATES		

Attorney information	Miriam Richter, Esq. Richter Trademarks, P.L. 2301 Wilton Drive, Suite 3 Wilton Manors, FL 33305 UNITED STATES mrichter@RichterTrademarks.com Phone:954-977-4711

Registration Subject to Cancellation

Registration No	3988004	Registration date	07/05/2011
International Registration No.	NONE	International Registration Date	NONE
Registrant	Ceramic Fuel Cells Limited 170 Browns Road NOBLE PARK, VIC 3174 AUSTRALIA		

Goods/Services Subject to Cancellation

Class 011. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Apparatus for heating, namely, boilers for heating installations, central heating radiators, heating installations, thermostatic valves as parts of heating installations; lighting apparatus, namely, lighting installations and electric lighting fixtures; steam generators; heat exchangers; heat regenerators; hot water heaters; central heaters; gas operated apparatus for heating, namely, space heaters and water heaters; air conditioners; cooling appliances and installations, namely, air coolers, water coolers; gas regulators
Class 037. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Installation and repair of heating apparatus; installation and repair of electricity generation apparatus, installationand repair of refrigeration or air conditioning apparatus

Grounds for Cancellation

Abandonment	Trademark Act section 14

Attachments	Petition with exhibits.pdf(602443 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Miriam Richter/
Name	Miriam Richter, Esq.
Date	10/08/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GENEX A/C, INC., a Florida Corporation	§	Cancellation No. _____
	§	
	§	In the matter of:
Petitioner	§	
	§	Registration No.: 3,988,004
v.	§	Mark: GENNEX
	§	Registered on July 5, 2011
CERAMIC FUEL CELLS LIMITED, an Australian Company	§	
	§	
	§	
Registrant		

PETITION FOR CANCELLATION

The Petitioner GENEX A/C, INC., a Florida corporation, (Genex) by and through its undersigned counsel, hereby files this Petition for Cancellation of registration number 3,988,004 (′004) for the mark GENNEX in International Classes 007 for electric power generators; mechanical control devices for heaters, namely, valves being parts of machines; mechanical control devices for air heaters and water heaters, namely, pump control valves, proportional flow valves as parts of machines, thermostatic control valves as parts of machines; pumps for heating installations, namely, pumps for machines, 009 for fuel cells and structural parts therefor; fuel cell stacks; galvanic electric cells; galvanic batteries; anodes; cathodes; electric batteries; photovoltaic cells, 011 for apparatus for heating, namely, boilers for heating installations, central heating radiators, heating installations, thermostatic valves as parts of heating installations; lighting apparatus, namely, lighting installations and electric lighting fixtures; steam generators; heat exchangers; heat regenerators; hot water heaters; central heaters; gas operated apparatus for heating, namely, space heaters and water heaters; air conditioners; cooling appliances and installations, namely, air coolers, water coolers; gas regulators, and 037 for installation and repair of heating apparatus; installation and repair of electricity generation apparatus, installation

and repair of refrigeration or air conditioning apparatus, owned by Registrant Ceramic Fuel Cells Limited, (CFCL), an Australian Company, and states as follows:

1. Registrant filed and obtained the '004 registration under Section 66(a) of the Trademark Act, 15 U.S.C. § 1141f(a), as the holder of International Registration number 1045908, registered on June 4, 2010.

2. Petitioner filed an intent-to-use trademark application with the U.S. Patent and Trademark Office on November 27, 2013 for the mark GENEX (serial number 86/130,850) in International Class 011 for air conditioning apparatus and installations.

3. On March 14, 2014, the Trademark Office issued an Office Action refusing to register Petitioner's mark on the grounds that the mark is confusingly similar to the Registrant's mark.

4. Upon information and belief, Registrant CFCL has either never used the registered mark in commerce, or has completely ceased using the registered mark in connection with any of the goods and services identified in the registration, for a period of at least three consecutive years and as such has been abandoned as defined in Section 45 of the Trademark Act, 15 U.S.C. § 1127.

5. Upon information and belief, Registrant offers a single product under the trademark GENNEX, a fuel cell module that converts natural gas to electricity. Exhibit 1, CFCL's website products page and Gennex information page.

6. Upon information and belief, this single product is not sold in the United States nor has it ever been sold in the United States. Registrant CFCL lists three offices to contact for further information. These offices are in Australia, The United Kingdom, and Germany. Exhibit 2, CFCL's Gennex brochure.

7. A registration based on Section 66(a) is subject to the same grounds for cancellation as

those registrations issued under Section 1 or Section 44(e) of the Trademark Act.[1]

8. Petitioner has been, and will continue to be damaged, within the meaning of 15 U.S.C. §1064, if the '004 registration remains on the Principal Register, as it will not be able to obtain a federal registration and its concurrent protections for its mark and Registrant will enjoy an unlawful advantage to which it is not entitled under the Trademark Act 15 U.S.C. § 1051 *et seq*.

WHEREFORE, Petitioner Genex respectfully requests that this cancellation be sustained in favor of Petitioner and Registration No. 3,988,004 be cancelled.

Respectfully submitted,

MIRIAM RICHTER, ATTORNEY AT LAW, P.L.
ATTORNEY FOR PETITIONER
2301 WILTON DRIVE, SUITE 3
WILTON MANORS, FLORIDA 33305
TELEPHONE: 954-977-4711
FACSIMILE: 954-977-4717
EMAIL: MRICHTER@RICHTERTRADEMARKS.COM

DATED: October 8, 2014

/s/ Miriam Richter, Esq.
MIRIAM RICHTER
FLORIDA BAR NO. 44831

[1] *SaddleSprings Inc. v. Mad Croc Brands, Inc.* 104 U.S.P.Q. 2d 1948 (TTAB 2012).

CERAMIC FUEL CELLS

English

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Our products

Our innovative technology creates world-leading products

We're commercialising our fuel cell technology across a number of international markets, our products include:

BlueGen

BlueGen® is a ready to install 'modular' generator designed for a number of markets and installation configurations. BlueGen co-generates; 1) electricity for consumption and export to the grid and, 2) heat for hot water.

Through direct sales and our distributors, BlueGen delivers clean, controllable, on-site power for residential and light commercial applications.

More...

Gennex fuel cell module

The Gennex® fuel cell module is a complete set of fuel cell components designed to work together for maximum efficiency and reliability.

We supply Gennex fuel modules as Original Equipment Manufacturer (OEM) components to some of the leading heating and appliance manufacturers in Europe.

More...

Engineered mixed oxide powders

Ceramic Fuel Cells has extensive know-how in ceramic powder production for applications such as; fuel cells, thermal barrier coatings, biomedical and dental implants and high temperature products such as thread guides and fibre optic connectors.

More...

Products

BlueGen

Gennex

Ceramic powders

Exhibit 1
page 1

CERAMIC FUEL CELLS

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Gennex fuel cell module

The integrated solution for efficient electricity

GENNEX

For micro-CHP applications that require a small, yet efficient generation technology, Gennex® is the solution.

Gennex is designed to integrate with appliances such as high efficiency condensing boilers, heat pumps, and air circulation systems - turning everyday appliances into CHP devices for the future.

Ceramic Fuel Cells works closely with leading utilities and appliance partners under Product Development Agreements. Under these agreements, we develop and supply the Gennex fuel cell module as an OEM fuel cell component - typically for a bespoke micro-CHP product.

The Gennex fuel cell module is a complete solution and has been designed for maximum, electrical efficiency. At 1.5 kW output, Gennex delivers 60 per cent electrical efficiency. Gennex uses internal steam reforming, and is designed for simple mounting and minimal heat loss.

For more information, download the Gennex brochure.

Products

BlueGen

Gennex

Ceramic powders

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Exhibit 1
page 2

CERAMIC FUEL CELLS LIMITED

Clean power for your home

Fuel Cell Module for Highly Efficient Electricity

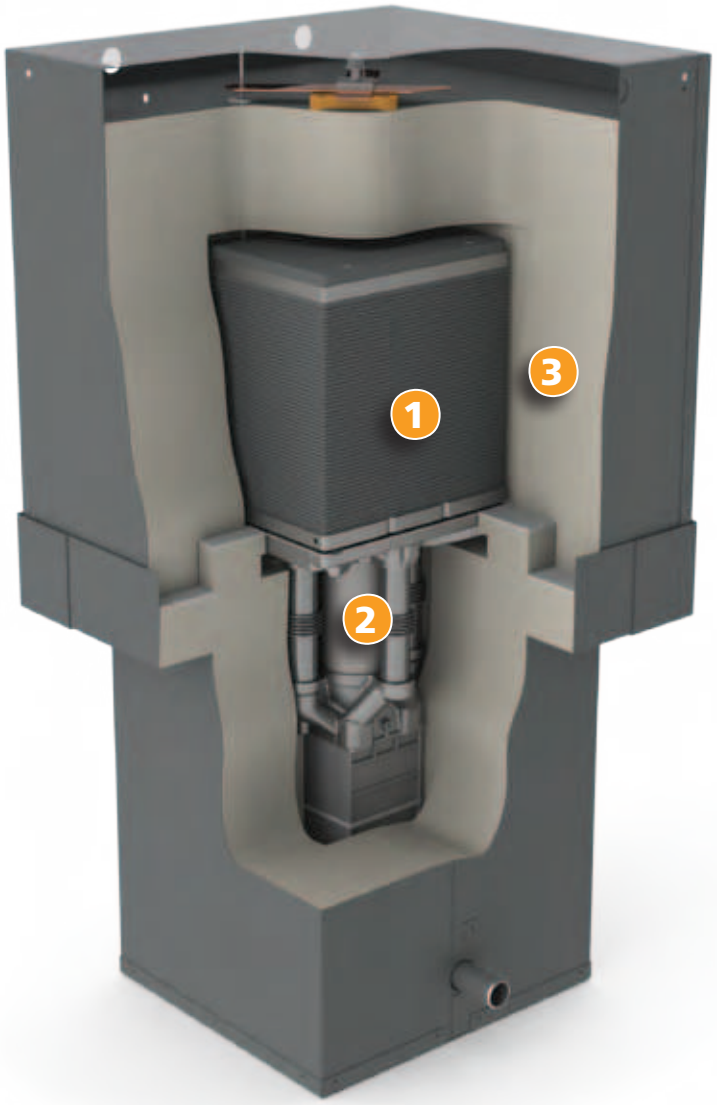
GENNEX fuel cell module

The future of electricity generation will be using a Distributed Generation network, where electricity can be generated and consumed at the point of use. Distributed Generation networks can address the concerns of; increasing electricity demand, limitations of traditional power generation, efficiency losses through transmission & distribution lines and significant infrastructure investment.

There is a need today, and in the future, for secure and highly efficient generation of electricity with significantly lower greenhouse gas emissions.

CFCL's Solid Oxide Fuel Cell (SOFC) technology will play a major part in this future providing low emission, highly efficient electricity from SOFC appliances.

The **Gennex**™ fuel cell module is designed for integration inside future appliances. **Gennex**™ is ideally suited for micro-Combined Heat and Power (micro-CHP) appliances such as high efficiency condensing boilers. **Gennex**™ can be used for other applications such as stand-alone generators, air circulation systems and even electric vehicle re-charging stations converting natural gas to highly efficient electricity.



1 Fuel cell stack

2 Hot Balance of Plant (integrated steam generator, burner, fuel & air heat exchanger)

3 High temperature insulation

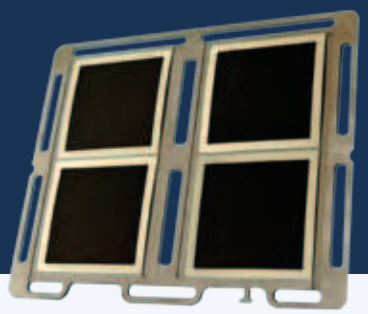
Features:

- *Converts natural gas to electricity at* **60% electrical efficiency** *(net AC power export, LHV)*
- *Internal steam reforming - for high conversion efficiency*
- *Balance of plant components with clearly defined interfaces – simplified integration*
- *Compact heat exchanger – for smaller size*

Exhibit 2
page 1

Small, powerful base-load electricity generation

Gennex™ Fuel Cell Module

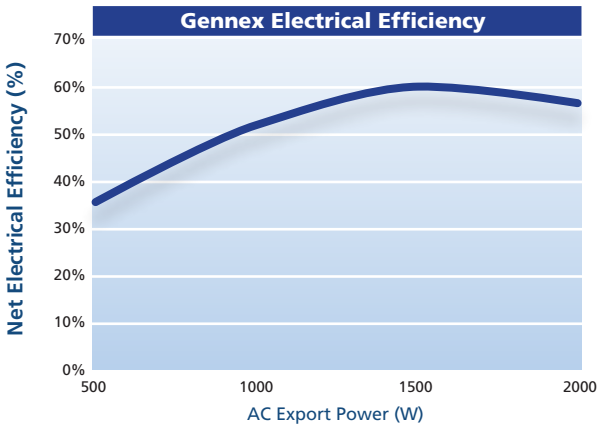


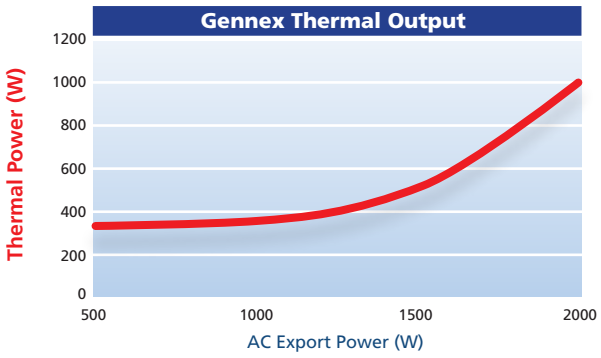
GENNEX fuel cell module

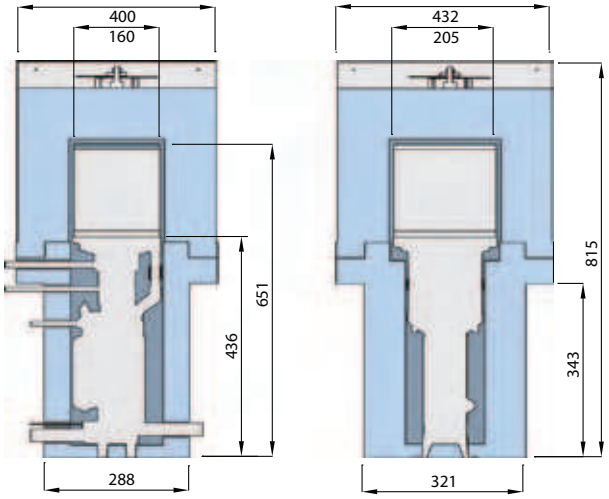
Gennex™ is a SOFC module designed for commercial production. Using CFCL's experience and expertise in fuel cells, stacks and complete fuel cell systems - manufacturers can now integrate a SOFC electricity generator into future appliances.

Gennex™ delivers high electrical efficiency and less heat – this enables operation throughout the year; 24 hours per day, 7 days per week.

CFCL has developed the matching set of balance of plant components for easy integration.







Specifications

Performance			
	Min	Optimum	Max
Electrical Output	500 W	1500 W	2000 W
Electrical Efficiency	36 %	60 %	57 %
Thermal Output	Approx. 400 W*	Approx. 540 W*	Approx. 1000 W*
	* Based on exhaust gas cooled to 30 °C		
Power Output Modulation	From 0 % to 100 %		
System Efficiency	60 % to 85 % Depending on heat and condensate recovered		
Emissions			
Gennex Emissions	CO_2 & H_20 (vapour) Virtually no NOx or SOx emissions		
Gennex Exhaust Flow	Up to 200 standard litres per minute		
Gennex Exhaust Temp.	20°C to 200 °C (dew point 54 °C)		
Connections			
Grid Connection (integrated by customer)	Parallel 220 to 240 VAC 50 Hz single phase		
Natural Gas	Supply pressure 0.9 to 2 kPa (Gas desulphurisation integrated by appliance manufacturer)		
Water	Supply pressure min. 100 to 600 kPa (Water treatment integrated by appliance manufacturer)		
Operating Conditions			
Ambient Temp.	+1 °C to +45 °C		
Inlet Air Temp.	-20 °C to +45 °C		
Installed Location	Indoors (recommended)		
Start-up time	25 hours		
Other			
Mass	45 kg (excluding ancillary equipment & high temperature insulation)		
Other Balance of Plant	System Control Electronics Power Management System Water Treatment System Gas Delivery System & Gas Safety Electronics Air Delivery System Gas Desulphurisation		

For more information about **Gennex**™, please contact your closest CFCL office.

CERAMIC FUEL CELLS LIMITED

Clean power for your home

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